

## CHAPTER 1. GENERAL PROVISIONS

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**Sec. 1-1. How Code designated and cited.** The ordinances embraced in the following chapters and sections shall constitute and be designated the "Whiteside County Code," and may be so cited.

**Sec. 1-2. Definitions and rules of construction generally.**

- (1) In the construction of this Code, and of all ordinances and resolutions, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the county board. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.
- (2) All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county board may be fully carried out.
- (3) In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- (4) Code. The words "Code" or "this Code" shall mean the Whiteside County Code.
- (5) Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.
- (6) County. The words "the county" or "this county" shall mean the County of Whiteside in the State of Illinois.
- (7) County board or board means the county board of Whiteside County Illinois.
- (8) County superintendent of highways or superintendent of highways means the county engineer.
- (9) Court or circuit court shall mean the circuit court of the 14<sup>th</sup> judicial circuit.

- (10) Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.
- (11) Electors shall mean persons qualified to vote for elective officers at county elections.
- (12) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- (13) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (14) Month. The word "month" shall mean a calendar month.
- (15) Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (16) Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- (17) Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (18) Officers, employees, departments, commissions, etc., generally. Whenever any officer, employee, department, commission or other agency is referred to by title, such as "county clerk," "county treasurer," or "sheriff," such reference shall be construed as if followed by the words "of Whiteside County." References to any county officer or employee shall include any designated representative.
- (19) Ordinances shall mean ordinances of Whiteside County and all amendments thereto.
- (20) Owner. The word "owner," applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
- (21) Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.
- (22) Personal property includes every species of property except real property, as herein described.
- (23) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.
- (24) Property. The word "property" shall include real and personal property.
- (25) Real property shall include lands, tenements and hereditaments.
- (26) Resolution shall mean all resolutions of Whiteside County and all amendments thereto.
- (27) Shall. The word "shall" is mandatory.
- (28) Signature or subscription includes a mark when the person cannot write.
- (29) State. The words "the state" or "this state" shall be construed to mean the State of Illinois.

- (30) Tenant or occupant. The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or lands, either alone or with others.
- (31) Tense. Words used in the past or present tense include the future as well as the past and present.
- (32) Wholesale, wholesaler, etc. In all cases where the words "wholesale," "wholesaler," or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.
- (33) Written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- (34) Year shall mean a calendar year.

(Res. No. 2, 1-21-92)

**Sec. 1-3. Jurisdiction of Code.** Unless otherwise provided this Code shall apply to all acts performed within the unincorporated areas of the county.

**Sec. 1-4. Catchlines of sections.** The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the title of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

**Sec. 1-5. Certain provisions saved from repeal.** Nothing in this Code, or in the ordinance adopting this Code, shall repeal any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done (or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code);
- (2) Any ordinance, resolution or motion promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness, or any contract or obligations assumed by the county;
- (3) Any administrative ordinances, resolutions or motions of the county board;
- (4) Any right or franchise granted by the county;
- (5) Any ordinance, resolution or motion dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the county;
- (6) Any appropriation ordinance, resolution or motion;
- (7) Any ordinance, resolution or motion levying or imposing taxes;
- (8) Any ordinance, resolution or motion establishing or prescribing grades in the county;
- (9) Any ordinance, resolution or motion providing for local improvements and making assessments therefor;
- (10) Any ordinance, resolution or motion dedicating or accepting any plat or subdivision in the county;
- (11) Any ordinance, resolution or motion prescribing the number, classification or compensation of any county officers or employees;
- (12) Any ordinance, resolution or motion regulating traffic in specific areas;

- (13) Any ordinance, resolution or motion creating specific funds;
- (14) Any ordinance, resolution or motion relating to traffic or obstructions around road projects;
- (15) Any ordinance, resolution or motion dealing with operational procedures;
- (16) Any ordinance, resolution or motion creating election precincts;
- (17) Any ordinance, resolution or motion pertaining to zoning;
- (18) Any special or temporary ordinance, resolution or motion.

**Sec. 1-6. Amendments to Code.**

- (1) All ordinances, resolutions, or motions passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and such subsequent provisions as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of them until such time as this Code and subsequent provisions numbered or omitted are readopted as a new code by the county board.
- (2) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section \_\_\_\_\_ of the Whiteside County Code, is hereby amended to read as follows: . . ." The new provisions shall then be set out in full as desired.
- (3) If a new section not heretofore existing in this Code is to be added, the following language may be used: "Whiteside County Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows: . . ." The new section shall then be set out in full as desired.

**Sec. 1-7. Effect of repeal of ordinance, resolution, etc.**

- (1) When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provision unless it shall be therein so expressly provided.
- (2) The repeal of an ordinance, resolution or motion shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance, resolution or motion repealed.

**Sec. 1-8. Severability of parts of Code.** The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**Sec. 1-9. Unauthorized alteration or tampering with Code.** It shall be unlawful for any person in the county to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby.

**Sec. 1-10. Publication of Code.** This Code shall be and the same is hereby authorized to be printed and published in book form by authority of the county board.

**Sec. 1-11. General penalty for violation of Code; separate offenses.**

- (1) Whenever in this Code, or in any ordinance, resolution or motion of the county, any act or omission is prohibited or is made or declared to be unlawful or an offense, or whenever in the Code or ordinance, resolution or motion the doing of any act or the failure to do any act is declared to be unlawful or an offense or is prohibited, and no specific penalty is provided therefor, and state law does not provide otherwise, the violation of any such provision of this Code or any ordinance, resolution or motion shall be an offense punishable by a fine of up to \$500.00.
- (2) Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance, resolution or motion shall continue shall constitute a separate offense.

**Sec. 1-12. Officers, employees not liable to fine for failure to perform duties.** No provision of this Code designating the duties of any county officer or employee shall be so construed so as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the county board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**Sec. 1-13. Acts punishable under different sections.** In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may proceed under oath; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.